IN THE HIGH COURT OF JUDICATURE AT BOMBAY

T AND I JURISDICTION

NOTICE OF MOTION NO. 471 OF 2004

IN

TESTAMENTARY SUIT NO. 27 OF 2001

IN

TESTAMENTARY PETITION NO. 387 OF 2001

Mani Cawas Bamji .....Deceased
vs.
Rajesh Karsandas Bhavsar
.....Plff/Administrator
V/s.
Purvez Aardedshir Poonawala.....Defendant/Caveator
AND
M/s. Hindustan Lever Ltd ....Respondents.

None for the plaintiff.
B.B. Saraf with Y.V. Adhia i/b. Adhia and Adhia for the defendants.

CORAM: S.U. KAMDAR, J.

DATE : 21ST JULY, 2005.

P.C. :

1. The present notice of motion has been taken out for an order that Hindustan Lever Limited should

issue duplicate share certificate and insisting on furnishing the bank guarantee as claimed by them in accordance with the procedure prescribed by the company for issuance of the duplicate shares.

2. I am of the opinion that by consent the bank guarantee for the entire amount of the shares would be unjust. However at the same time the rights of the parties and the rival claims if any are required to be determined. Therefore I direct the respondent to issue the duplicate shares and deposit the same in a physical form with the Prothonotary and Senior Master, High Court who shall keep the same in sealed envelope till further orders of this court. At the time of passing further orders the court will prima-facie satisfy the rights and entitlement of such a person who is seeking directions either for the delivery of the shares or sale thereof and receive the sale proceeds thereof. Respondent is directed to do so within a period of one week from today.

3. The plaintiff is further directed to execute

necessary indemnity with the respondent company. On receipt of such indemnity the respondent will issue the necessary shares and deposits. Observations made in this case are not to be treated as precedent. Motion disposed off accordingly. No order as to costs.

sd/-

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